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BARNES & THORNBURG LLP



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643
Group: 3764
Confirmation No.: 8532
Application No.: 10/055,849
Invention: OSCILLATORY CHEST
COMPRESSION DEVICE
Inventor: Nicholas P. Van Brunt et al.
Filed: January 14, 2002
Attorney
Docket: 7175-74108
Examiner: DeMille Danton, D.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on April 22, 2004

Karen Taylor
(Signature)

Karen Taylor
(Printed Name)

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Notice of Non-Compliant Amendment which was mailed on March 26, 2004. The Notice of Non-Compliant Amendment states that the amendment document filed on March 3, 2004 in the above-captioned matter failed to meet the requirements of 37 C.F.R. 1.121. However, please note that the above-captioned matter is a reissue application. As such, 37 C.F.R. 1.121 is not applicable to the March 3, 2004 amendment, but rather, 37 C.F.R. 1.173 is. On April 13, 2004 the undersigned had a phone conversation with SPRE Andy Kashnikow. Mr. Kashnikow reviewed the March 3, 2004 amendment on his computer screen and advised that he believed it was in compliance with 37 C.F.R. 1.173. Accordingly, it is respectfully requested that the Notice of Non-Compliant

Amendment be withdrawn and that the March 3, 2004 Amendment be entered into the record and considered in the above-captioned matter.

If the Examiner has any questions or comments that would speed prosecution of this case, he is encouraged to call the undersigned at (317) 231-7341.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 7175-74108.

Respectfully submitted,

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